

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

|                               |   |                             |
|-------------------------------|---|-----------------------------|
| THE UNITED STATES OF AMERICA, | ) |                             |
|                               | ) |                             |
| Plaintiff,                    | ) |                             |
|                               | ) |                             |
| v.                            | ) | Civ. No. 12-cv-0120 MCA/SMV |
|                               | ) |                             |
| BOARD OF COUNTY COMMISSIONERS | ) |                             |
| OF THE COUNTY OF OTERO and    | ) |                             |
| STATE OF NEW MEXICO,          | ) |                             |
|                               | ) |                             |
| Defendants.                   | ) |                             |
|                               | ) |                             |
|                               | ) |                             |
|                               | ) |                             |

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DECLARATION OF SANDRA RAUN

1. I am currently employed with the United States Department of Agriculture, Forest Service, and have been for nearly 35 years. I have held my current position as a Land Status Program Specialist for the past eight years. In this capacity I act as technical expert on landownership for the Forests, reviewing the real estate title and rights affecting National Forest lands in Region 3, Southwestern Region. This includes responsibility for ensuring all land status records and automated systems involving land title and rights are accurate, current, and complete.

2. The United States Forest Service is the agency charged by law with maintaining the official records regarding the status, including agency realty records, land title documents, and all other records reflecting ownership and administration of all lands within the National Forest System. 36 C.F.R. §200.12. Each Forest Service Regional Office is charged with

maintaining these records and documents for that Region. I have maintained the Region 3 Forest Service land status records for nearly 35 years, and use it on a regular basis in my work. These land status records are and have been available to the public.

3. The United States Bureau of Land Management (BLM) is the agency charged by law with maintaining the official records regarding the land status, including land title documents, ownership and mining claims, of all lands owned by the United States, including among other lands, those within the National Forests. Each BLM State Office maintains those records for public lands within that State. I am familiar with the BLM Land Status Record System and also use it on a regular basis in my work.

4. On February 2, 1848, the majority of the land which makes up the State of New Mexico was acquired from Mexico under the Treaty of Guadalupe Hidalgo. Texas claimed ownership of this land until 1850 when Texas transferred the eastern portion of the territory of New Mexico to the federal government. [Exhibit 1 from the United States General Accounting Office Report to Congress, Treaty of Guadalupe Hidalgo, dated September 2001]

5. Since 1850, the United States has exercised its sovereign and proprietary rights over this property, including transferring specific lands to New Mexico and private individuals and reserving other lands for various purposes.


6. Most of the National Forest System lands in Otero County, surrounding Cloudcroft, New Mexico, that are the subject of this suit were designated the Sacramento National Forest by Presidential Proclamation signed by Theodore Roosevelt on April 24, 1907 [Exhibit 2]. Executive Order 908 dated July 2, 1908 changed the forest name to the Alamo National Forest. Executive Order 2633 dated June 6, 1917 transferred the Alamo National Forest

to the Lincoln National Forest and ordered the lands to be administered as the Lincoln National Forest [Exhibit 3]. A true and correct copy of this Proclamation, diagram and Executive Orders are kept within the United States Forest Service's official land status records.

7. In sum, the records show that all of the federal lands identified as comprising the Lincoln National Forest are owned by the United States.

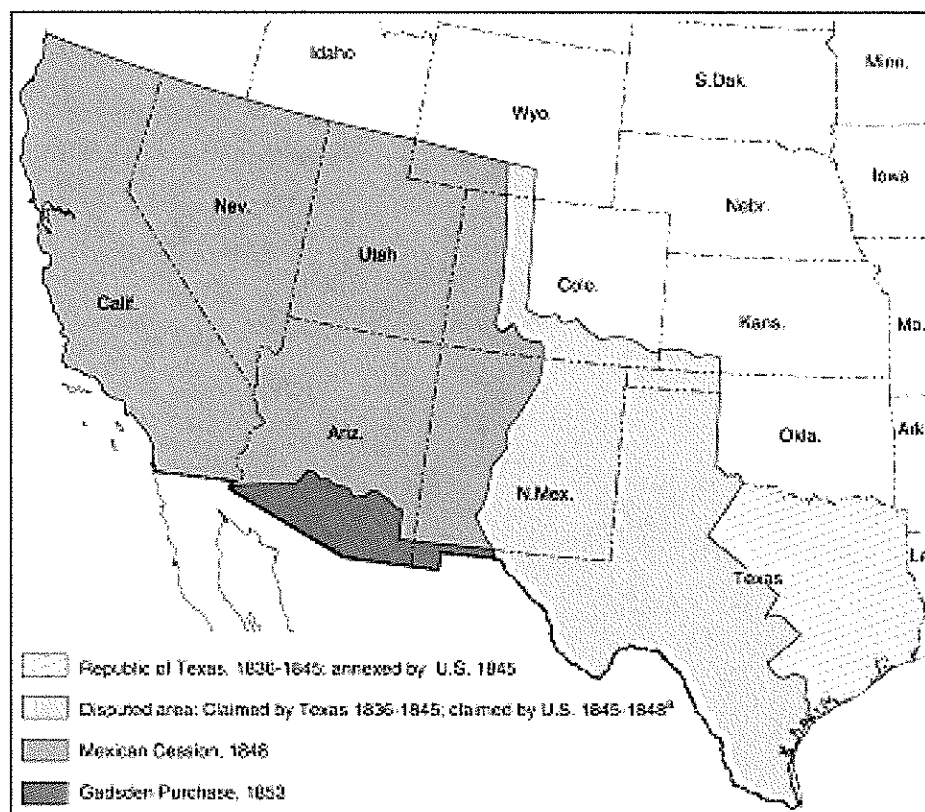
Pursuant to 28 U.S.C. §1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed this 4 day of June 2014.

  
SANDRA RAUN  
Land Status Program Specialist  
USDA Forest Service  
333 Broadway SE  
Albuquerque, NM 87102  
505-842-3873

After achieving independence from Spain in 1821, México continued to adhere to Spanish law by extending additional land grants to individuals to encourage settlements in unoccupied areas and to stave off U.S. encroachment on Mexican territory. The Mexican-American War began in 1846 and formally ended with the signing of the Treaty of Guadalupe Hidalgo in 1848. Under the treaty, México ceded most of what is presently the American Southwest, including the present day states of New Mexico and California, to the United States for \$15 million. Figure. 1 shows the territory ceded by México under the treaty.

**Figure 1: Territory Ceded by Mexico under the Treaty of Guadalupe Hidalgo In 1848 and the Gadsden Purchase of 1853.**



<sup>a</sup>In 1845 when Texas became a state, both Texas and México claimed the area shaded in light gray. The Treaty of Guadalupe Hidalgo resolved this dispute. Texas still claimed ownership of this land. In 1850, Texas transferred part of this land to the federal government, which became the eastern portion of the territory of New Mexico.

## Exhibit 1

*Lincoln**April 24, 1907*

SACRAMENTO NATIONAL FOREST  
NEW MEXICO

By the President of the United States of America

**A Proclamation**

WHEREAS, the public lands in the Territory of New Mexico, which are hereinafter indicated, are in part covered with timber, and it appears that the public good would be promoted by utilizing said lands as a National Forest, and by including therein a portion of the area heretofore embraced in the Lincoln National Forest;

Now, therefore, I, THEODORE ROOSEVELT, President of the United States of America, by virtue of the power in me vested by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes," and by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," do proclaim that there are hereby reserved from settlement or entry and set apart as a public reservation, for the use and benefit of the people, all the tracts of land, in the Territory of New Mexico, shown as the Sacramento National Forest on the diagram forming a part hereof;

Excepting from the force and effect of this proclamation all lands which are at this date embraced in any legal entry or covered by any lawful filing or selection duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, if the statutory period within which to make entry or filing of record has not expired; and also excepting all lands which at this date are embraced within any withdrawal or reservation for any use or purpose with which this reservation for forest uses is inconsistent: Provided, that these exceptions shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made, or unless the reservation or withdrawal with which this reservation is inconsistent continues in force; not excepting from the force and effect of this proclamation, however, any part of the National Forest hereby established which has been withdrawn to protect the coal therein, but this proclamation does not vacate any such coal land withdrawal; and provided that these exceptions shall not apply to any land embraced in any selection, entry, or filing, which has been permitted to remain of record subject to the creation of a permanent reservation.

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Warning is hereby given to all persons not to make settlement upon any of the lands reserved by this proclamation, unless and until they are listed by the Secretary of Agriculture and opened to homestead settlement or entry by the Secretary of the Interior under the Act of Congress, approved June eleventh, nineteen hundred and six, entitled, "An Act To provide for the entry of Agricultural lands within forest reserves."

~~In Witness Whereof~~, I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] DONE at the City of Washington this 24th day of April, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ROBERT BACON

*Acting Secretary of State.*

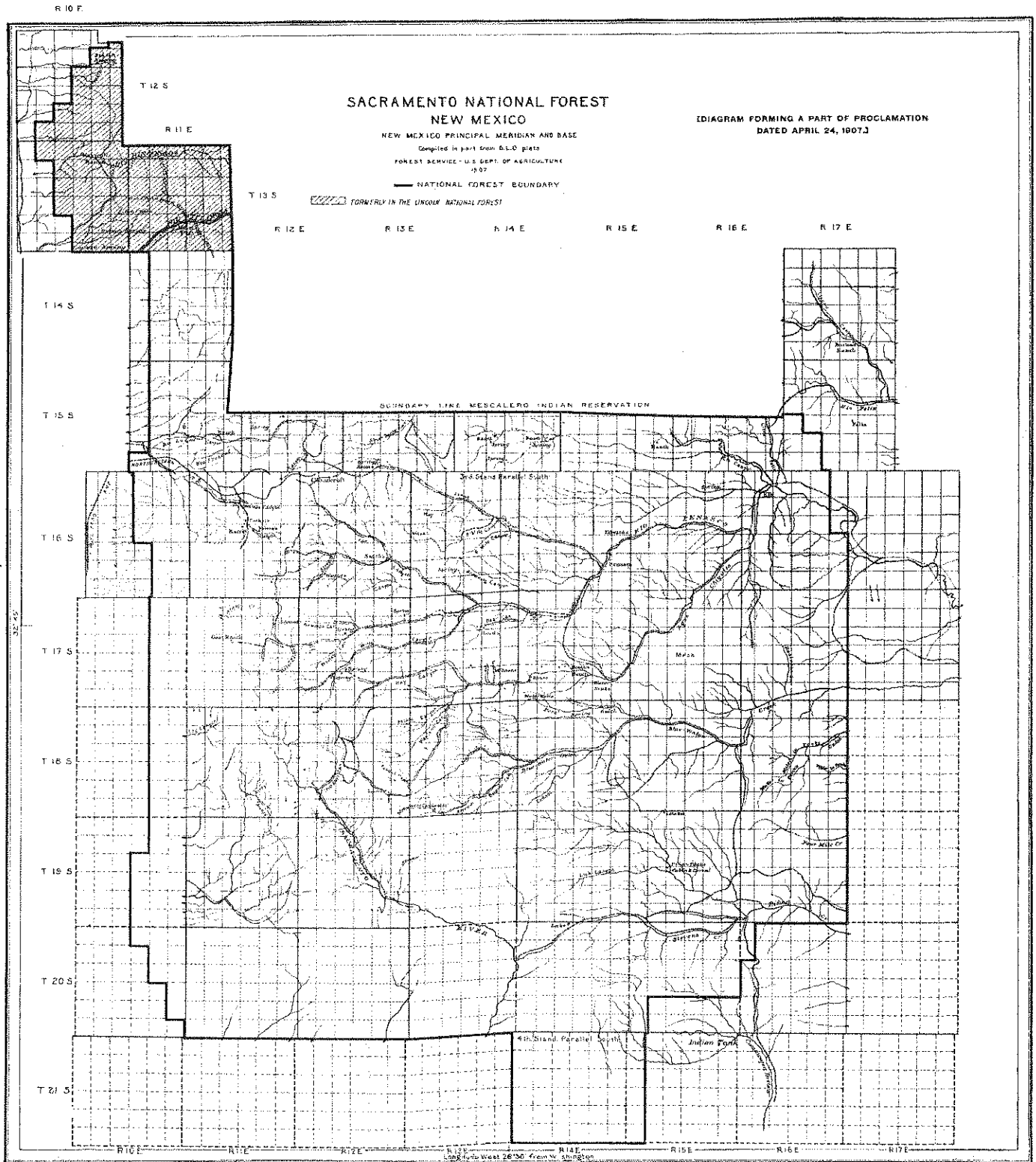


Exhibit 2



## Executive Order

### LINCOLN—ALAMO NATIONAL FORESTS

#### NEW MEXICO

Under authority of the Act of Congress of June 4, 1897 (30 Stat., 11), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on after July 1, 1917, all the lands included within the boundaries of the Alamo National Forest, New Mexico, as fixed and defined by proclamation of April 3, 1916, (No. 1330), be transferred to and administered as a part of the Lincoln National Forest, New Mexico.

It is intended by this Executive Order, for economy of administration, to merge into one National Forest, thereafter to be known as the Lincoln National Forest, all the lands which on July 1, 1917, are within the Alamo and the Lincoln National Forests, and the boundaries of the Lincoln National Forest, as they exist at that date, are hereby modified accordingly.

This Executive Order is not intended to add to the Lincoln National Forest any lands which on July 1, 1917, are not embraced within the Alamo National Forest, nor to release from reservation for National Forest purposes any lands at that date within the Alamo National Forest.

WOODROW WILSON

THE WHITE HOUSE,  
6 June, 1917.

[No. 2633.]

